

From: Matthew Sachs
To: Microsoft ATR
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Subject: Microsoft Settlement

As an independant software vendor (ISV) and a computing enthusiast, I do not support the proposed settlement. It is an excellent base, but it has several serious problem which prevent it from being a suitable remedy to the case in its current form. Some of the problems which I feel are the most pressing are outlined below.

No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see "Findings of Fact" paragraphs 20 and 39).

ISVs writing competing operating systems as outlined in Findings of Fact (para. 52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs -- except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

--Matthew Sachs, Merrick, NY, US